

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 ASPASIA A. PAPA VASSILIOU, State Bar No. 196360
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5547
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Amended Petition to Revoke
Probation Against:

12 **OBDULIA JULIE CORONA**
13 1818 Lido Way
San Jose, California 95116

14 Registered Nurse License No. 603402

15 Respondent.

Case No. 2004-336

12 **A M E N D E D**
13 **P E T I T I O N T O R E V O K E**
14 **P R O B A T I O N**

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N (Complainant) brings this Amended Petition
20 to Revoke Probation solely in her official capacity as the Executive Officer of the Board of
21 Registered Nursing, Department of Consumer Affairs.

22 2. On or about August 5, 2002, the Board of Registered Nursing issued
23 Registered Nurse License Number 603402 to Obdulia Julie Corona (Respondent). The
24 Registered Nurse License was in effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2008, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation Against
27 Obdulia Julie Corona," Case No. 2004-336, the Board of Registered Nursing issued a decision,
28 effective March 11, 2005, in which Respondent's Registered Nurse License was revoked.

1 However, the revocation was stayed and Respondent's license was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Amended Petition to Revoke Probation is brought before the Board
6 of Registered Nursing (Board), Department of Consumer Affairs.

7 FIRST CAUSE TO REVOKE PROBATION

8 (Failure to Comply with Terms and Conditions of Probation)

9 5. At all times after the effective date of Respondent's probation, Condition 2
10 stated:

11 **Comply with the Board's Probation Program.** Respondent shall fully comply
12 with the conditions of the Probation Program established by the Board and
13 cooperate with representatives of the Board in its monitoring and investigation of
14 the Respondent's compliance with the Board's Probation Program. Respondent
shall inform the Board in writing within no more than 15 days of any address
change and shall at all times maintain an active, current license status with the
Board, including during any period of suspension.

15 Upon successful completion of probation, Respondent's license shall be fully
16 restored.

17 6. Respondent's probation is subject to revocation because she failed to
18 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
19 this violation are that Respondent failed to comply with Probation Condition 16, as set forth in
20 paragraphs 7 and 8, below, in that she failed to abstain from the use of drugs or alcohol, that
21 Respondent failed to comply with Probation Condition 17, as set forth in paragraphs 9 and 10
22 below, in that she failed to submit to tests and samples; and that Respondent failed to comply
23 with Probation Condition No. 15, in that Respondent failed to attend at least one nurse support
24 group meeting and at least one 12-step meeting each week, as set forth in paragraphs 11 and 12,
25 below.

26 SECOND CAUSE TO REVOKE PROBATION

27 (Failure to Abstain from Use of Psychotropic Drugs or Alcohol)

28 7. At all times after the effective date of Respondent's probation, Condition

1 16 stated:

2 **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
3 completely abstain from the possession, injection or consumption by any route of
4 all psychotropic (mood altering) drugs, including alcohol, except when the same
5 are ordered by a health care professional legally authorized to do so as part of
6 documented medical treatment. Respondent shall have sent to the Board, in
writing and within fourteen (14) days, by the prescribing health professional, a
report identifying the medication, dosage, the date the medication was prescribed,
the Respondent's prognosis, the date the medication will no longer be required,
and the effect on the recovery plan, if appropriate.

7 Respondent shall identify for the Board a single physician, nurse practitioner or
8 physician assistant who shall be aware of Respondent's history of substance abuse
and will coordinate and monitor any prescriptions for Respondent for dangerous
9 drugs, controlled substances or mood-altering drugs. The coordinating physician,
nurse practitioner, or physician assistant shall report to the Board on a quarterly
10 basis Respondent's compliance with this condition. If any substances considered
addictive have been prescribed, the report shall identify a program for the time
11 limited use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or
13 physician assistant to be a specialist in addictive medicine, or to consult with a
specialist in addictive medicine.

14 8. Respondent's probation is subject to revocation because she failed to
15 comply with Probation Condition 16, referenced above, in that she failed to abstain from alcohol.
16 The facts and circumstances regarding this violation are that Respondent tested positive for
17 alcohol on the following dates: May 8, 2007, July 6, 2007, and July 7, 2007.

18 THIRD CAUSE TO REVOKE PROBATION

19 (Failure to Submit to Tests and Samples)

20 9. At all times after the effective date of Respondent's probation, Condition

21 17 stated:

22 **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
23 random, biological fluid testing or a drug screening program which the Board
24 approves. The length of time and frequency will be subject to approval by the
25 Board. Respondent is responsible for keeping the Board informed of
Respondent's current telephone number at all times. Respondent shall also ensure
26 that messages may be left at the telephone number when she is not available and
ensure that reports are submitted directly by the testing agency to the Board, as
27 directed. Any confirmed positive finding shall be reported immediately to the
28 Board by the program and Respondent shall be considered in violation of
probation.

In addition, Respondent, at any time during the period of probation, shall fully
cooperate with the Board or any of its representatives, and shall, when requested
submit to such tests and samples as the Board or its representatives may require
for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other

1 controlled substances.

2 If Respondent has a positive drug screen for any substance not legally authorized
3 and not reported to the coordinating physician, nurse practitioner, or physician
4 assistant, and the Board files a petition to revoke probation or an accusation, the
Board may suspend Respondent from practice pending the final decision on the
petition to revoke probation or the accusation.

5 If Respondent fails to participate in a random, biological fluid testing or drug
6 screening program within the specified time frame, Respondent shall immediately
7 cease practice and shall not resume practice until notified by the Board. After
8 taking into account documented evidence of mitigation, if the Board files a
9 petition to revoke probation or an accusation, the Board may suspend Respondent
from practice pending the final decision on the petition to revoke probation or the
accusation. This period of suspension will not apply to the reduction of this
probationary time period.

10 10. Respondent's probation is subject to revocation because she failed to
11 comply with Probation Condition 17, referenced above. The facts and circumstances regarding
12 this violation are that Respondent failed to comply with the terms and conditions of her probation
13 by failing to submit to tests and samples, as follows.

14 A. Respondent failed to comply with the testing program's demand
15 she be tested for drugs and alcohol on July 5, 2007.

16 B. Respondent missed tests on May 7, 2006, September 21, 2006,
17 November 2, 2006 and November 21, 2006, because her file was on hold with the testing
18 program due to lack of payment.

19 FOURTH CAUSE TO REVOKE PROBATION

20 (Failure to Attend Weekly Nurse Support and 12-Step Meetings)

21 11. At all times after the effective date of Respondent's probation, Condition
22 15 stated, in pertinent part:

23 **Participate in Treatment/Rehabilitation Program for Chemical Dependence.**
24Based on Board recommendation, each week Respondent shall be required to
25 attend at least one, but no more than five 12-step recovery meetings or equivalent
26 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support
27 group as approved and directed by the Board. If a nurse support group is not
28 available, an additional 12-step meeting or equivalent shall be added. Respondent
shall submit dated and signed documentation confirming such attendance to the
Board during the entire period of probation. Respondent shall continue with the
recovery plan recommended by the treatment/rehabilitation program or a licensed
mental health examiner and/or other ongoing recovery groups.

1 12. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 15, referenced above. The facts and circumstances regarding
3 this violation are that Respondent failed to attend at least one weekly Nurse Support Group and
4 one weekly 12-Step meeting, as follows.

- 5 •January 2007– Attended 2 meetings out of the required 10;
- 6 •February 2007– Attended 1 meeting out of the required 8;
- 7 •March 2007– Attended 1 meeting out of the required 8;
- 8 •April 2007– Failed to attend any meetings;
- 9 •May 2007– Failed to attend any meetings;
- 10 •June 2007– Attended 4 meetings out of the required 8;
- 11 •July 2007– Attended 8 meetings of the required 8, but did not attend two each
12 week as required;
- 13 •September 2007–Attended 4 meetings out of the required 8 and did not attend
14 two each week as required;
- 15 •October 2007–Attended 8 meetings out of the required 10 and did not attend two
16 each week as required;
- 17 •November 2007–Attended 6 meetings out of the required 8 and did not attend
18 two each week as required; and
- 19 •December 2007–Attended 6 meetings out of the required 8 and did not attend
20 two each week as required.

21 PRAYER

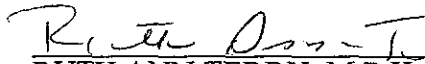
22 WHEREFORE, Complainant requests that a hearing be held on the matters hereir
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 24 1. Revoking the probation that was granted by the Board of Registered
25 Nursing in Case No. 2004-336 and imposing the disciplinary order that was stayed thereby
26 revoking Registered Nurse License No. 603402 issued to Obdulia Julie Corona;
- 27 2. Revoking or suspending Registered Nurse License No. 603402, issued to
28 Obdulia Julie Corona;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/27/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2007402188

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-336

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
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3 ASPASIA A. PAPAVASSILIOU, State Bar No. 196360
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455 Golden Gate Avenue, Suite 11000
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Telephone: (415) 703-5547
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against:
12
13 OBDULIA JULIE CORONA
1818 Lido Way
San Jose, California 95116
14
15 Registered Nurse License No. 603402
16 Respondent.

Case No. 2004-336

**PETITION TO REVOKE
PROBATION**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
20 Probation solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing, Department of Consumer Affairs.
- 22 2. On or about August 5, 2002, the Board of Registered Nursing issued
23 Registered Nurse License Number 603402 to Obdulia Julie Corona (Respondent). The
24 Registered Nurse License was in effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2008, unless renewed.
- 26 3. In a disciplinary action entitled "In the Matter of Accusation Against
27 Obdulia Julie Corona," Case No. 2004-336, the Board of Registered Nursing issued a decision,
28 effective March 11, 2005, in which Respondent's Registered Nurse License was revoked.

1 However, the revocation was stayed and Respondent's license was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of
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14 the Respondent's compliance with the Board's Probation Program. Respondent
15 shall inform the Board in writing within no more than 15 days of any address
16 change and shall at all times maintain an active, current license status with the
17 Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 6. Respondent's probation is subject to revocation because she failed to
21 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
22 this violation are that Respondent failed to comply with Probation Condition 16, as set forth in
23 paragraphs 7 and 8, below, in that she failed to abstain from the use of drugs or alcohol, and that
24 Respondent failed to comply with Probation Condition 17, as set forth in paragraphs 9 and 10
25 below, in that she failed to submit to tests and samples.

26 SECOND CAUSE TO REVOKE PROBATION

27 (Failure to Abstain from Use of Psychotropic Drugs or Alcohol)

28 7. At all times after the effective date of Respondent's probation, Condition
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completely abstain from the possession, injection or consumption by any route of
all psychotropic (mood altering) drugs, including alcohol, except when the same

1 are ordered by a health care professional legally authorized to do so as part of
2 documented medical treatment. Respondent shall have sent to the Board, in
3 writing and within fourteen (14) days, by the prescribing health professional, a
4 report identifying the medication, dosage, the date the medication was prescribed,
5 the Respondent's prognosis, the date the medication will no longer be required,
6 and the effect on the recovery plan, if appropriate.

7 Respondent shall identify for the Board a single physician, nurse practitioner or
8 physician assistant who shall be aware of Respondent's history of substance abuse
9 and will coordinate and monitor any prescriptions for Respondent for dangerous
10 drugs, controlled substances or mood-altering drugs. The coordinating physician,
11 nurse practitioner, or physician assistant shall report to the Board on a quarterly
12 basis Respondent's compliance with this condition. If any substances considered
13 addictive have been prescribed, the report shall identify a program for the time
14 limited use of any such substances.

15 The Board may require the single coordinating physician, nurse practitioner, or
16 physician assistant to be a specialist in addictive medicine, or to consult with a
17 specialist in addictive medicine.

18 8. Respondent's probation is subject to revocation because she failed to
19 comply with Probation Condition 16, referenced above, in that she failed to abstain from alcohol.
20 The facts and circumstances regarding this violation are that Respondent tested positive for
21 alcohol on the following dates: May 8, 2007, July 6, 2007, and July 7, 2007.

22 THIRD CAUSE TO REVOKE PROBATION

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27 random, biological fluid testing or a drug screening program which the Board
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Board. Respondent is responsible for keeping the Board informed of
Respondent's current telephone number at all times. Respondent shall also ensure
that messages may be left at the telephone number when she is not available and
ensure that reports are submitted directly by the testing agency to the Board, as
directed. Any confirmed positive finding shall be reported immediately to the
Board by the program and Respondent shall be considered in violation of
probation.

In addition, Respondent, at any time during the period of probation, shall fully
cooperate with the Board or any of its representatives, and shall, when requested
submit to such tests and samples as the Board or its representatives may require
for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized
and not reported to the coordinating physician, nurse practitioner, or physician
assistant, and the Board files a petition to revoke probation or an accusation, the
Board may suspend Respondent from practice pending the final decision on the

petition to revoke probation or the accusation.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

10. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 17, referenced above. The facts and circumstances regarding this violation are that Respondent failed to comply with the terms and conditions of her probation by failing to submit to tests and samples, as follows.

A. Respondent failed to comply with the testing program's demand she be tested for drugs and alcohol on July 5, 2007.

B. Respondent missed tests on May 7, 2006, September 21, 2006, November 2, 2006, and November 21, 2006, because her file was on hold with the testing program due to lack of payment.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2004-336 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 603402 issued to Obdulia Julie Corona;

2. Revoking or suspending Registered Nurse License No. 603402, issued to Obdulia Julie Corona;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/18/07


RUTH ANN TERRY, M.P.H, R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2007402188

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-336

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Obdulia Julie Corona
1818 Lido Way
San Jose, CA 95116

Registered Nurse License No. 603402

Respondent

Case No. 2004-336

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 11, 2005.

IT IS SO ORDERED February 9, 2005.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
2 of the State of California
3 LISA S. WIGGINS, State Bar No. 168399
4 Deputy Attorney General
5 California Department of Justice
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10 Attorneys for Complainant

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

OBDULIA JULIE CORONA
1818 Lido Way
San Jose, California 95116

Registered Nurse License No. 603402

Respondent.

Case No. 2004-336

OAH No. N2004060673

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") is the Executive Officer of the
Board of Registered Nursing ("Board"), Department of Consumer Affairs. She brought this action solely
in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of
California, by Lisa S. Wiggins, Deputy Attorney General.

2. Obdulia Julie Corona ("Respondent") is representing herself in this proceeding and
has chosen not to exercise her right to be represented by counsel.

3. On or about August 5, 2002, the Board of Registered Nursing issued Registered
Nurse License No. 603402 to Respondent. The License was in full force and effect at all times relevant
to the charges brought in Accusation No. 2004-336 and will expire on August 31, 2006, unless renewed.

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1 may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
2 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated
3 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
4 inadmissible in any legal action between the parties, and the Board shall not be disqualified from further
5 action by having considered this matter.

6 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
7 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the
8 originals.

9 12. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary
11 Order:

12 **DISCIPLINARY ORDER**

13 **IT IS HEREBY ORDERED** that Registered Nurse License No. 603402 issued to
14 Respondent Obdulia Julie Corona is revoked. However, the revocation is stayed and Respondent is
15 placed on probation for three (3) years on the following terms and conditions.

16 **Severability Clause.** Each condition of probation contained herein is a separate
17 and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable
18 in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not
19 be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent
20 permitted by law.

21 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full
22 and detailed account of any and all violations of law shall be reported by Respondent to the Board in
23 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this
24 condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the
25 effective date of the decision, unless previously submitted as part of the licensure application process

26 **Criminal Court Orders:** If Respondent is under criminal court orders, including probation
27 or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may
28 result in the filing of an accusation and/or petition to revoke probation.

1 **2. Comply with the Board's Probation Program.** Respondent shall fully comply
2 with the conditions of the Probation Program established by the Board and cooperate with representatives
3 of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation
4 Program. Respondent shall inform the Board in writing within no more than 15 days of any address change
5 and shall at all times maintain an active, current license status with the Board, including during any period
6 of suspension.

7 Upon successful completion of probation, Respondent's license shall be fully restored.

8 **3. Report in Person.** Respondent, during the period of probation, shall appear in
9 person at interviews/meetings as directed by the Board or its designated representatives.

10 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or
11 practice as a registered nurse outside of California shall not apply toward a reduction of this probation time
12 period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must
13 provide written notice to the Board within 15 days of any change of residency or practice outside the state,
14 and within 30 days prior to re-establishing residency or returning to practice in this state.

15 Respondent shall provide a list of all states and territories where she has ever been licensed
16 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information
17 regarding the status of each license and any changes in such license status during the term of probation.
18 Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of
19 probation.

20 **5. Submit Written Reports.** Respondent, during the period of probation, shall
21 submit or cause to be submitted such written reports/declarations and verification of actions under penalty
22 of perjury, as required by the Board. These reports/declarations shall contain statements relative to
23 Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall
24 immediately execute all release of information forms as may be required by the Board or its representatives.

25 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
26 state and territory in which she has a registered nurse license.

27 **6. Function as a Registered Nurse.** Respondent, during the period of probation,
28 shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6

1 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, "engage in the practice of registered nursing"
3 may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct
4 patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice nursing
6 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

7 If Respondent has not complied with this condition during the probationary term, and
8 Respondent has presented sufficient documentation of her good faith efforts to comply with this condition,
9 and if no other conditions have been violated, the Board, in its discretion, may grant an extension of
10 Respondent's probation period up to one year without further hearing in order to comply with this
11 condition. During the one year extension, all original conditions of probation shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
13 prior approval from the Board before commencing or continuing any employment, paid or voluntary, as
14 a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and
15 other employment related reports as a registered nurse upon request of the Board.

16 Respondent shall provide a copy of this Decision to her employer and immediate
17 supervisors prior to commencement of any nursing or other health care related employment.

18 In addition to the above, Respondent shall notify the Board in writing within seventy-two
19 (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify
20 the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause,
21 from any nursing, or other health care related employment with a full explanation of the circumstances
22 surrounding the termination or separation.

23 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
24 Respondent's level of supervision and/or collaboration before commencing or continuing any employment
25 as a registered nurse, or education and training that includes patient care.

26 Respondent shall practice only under the direct supervision of a registered nurse in good
27 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of
28 supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

1 If Respondent is working or intends to work in excess of 40 hours per week, the Board
2 may request documentation to determine whether there should be restrictions on the hours of work.

3 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll
4 and successfully complete a course(s) relevant to the practice of registered nursing no later than six months
5 prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the above
8 required course(s). The Board shall return the original documents to Respondent after photocopying them
9 for its records.

10 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of
12 ~~\$971.75~~. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with
13 payments to be completed no later than three months prior to the end of the probation term.

14 *If Respondent has not complied with this condition during the probationary term, and*
15 *Respondent has presented sufficient documentation of her good faith efforts to comply with this condition,*
16 *and if no other conditions have been violated, the Board, in its discretion, may grant an extension of*
17 *Respondent's probation period up to one year without further hearing in order to comply with this*
18 *condition. During the one year extension, all original conditions of probation will apply.*

19 **12. Violation of Probation.** If Respondent violates the conditions of her probation,
20 the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and
21 impose the stayed discipline (revocation/suspension) of Respondent's license.

22 *If during the period of probation, an accusation or petition to revoke probation has been*
23 *filed against Respondent's license or the Attorney General's Office has been requested to prepare an*
24 *accusation or petition to revoke probation against Respondent's license, the probationary period shall*
25 *automatically be extended and shall not expire until the accusation or petition has been acted upon by the*
26 *Board.*

27 **13. License Surrender.** During Respondent's term of probation, if she ceases
28 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

1 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
2 Respondent's request and to exercise its discretion whether to grant the request, or to take any other action
3 deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal
4 acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the
5 conditions of probation.

6 Surrender of Respondent's license shall be considered a disciplinary action and shall
7 become a part of Respondent's license history with the Board. A registered nurse whose license has been
8 surrendered may petition the Board for reinstatement no sooner than the following minimum periods from
9 the effective date of the disciplinary decision:

10 (1) Two years for reinstatement of a license that was surrendered for any reason other
11 than a mental or physical illness; or

12 (2) One year for a license surrendered for a mental or physical illness.

13 **14. Physical Examination.** Within 45 days of the effective date of this Decision,
14 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who
15 is approved by the Board before the assessment is performed, submit an assessment of the Respondent's
16 physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be
17 submitted in a format acceptable to the Board. If medically determined, a recommended treatment
18 program will be instituted and followed by the Respondent with the physician, nurse practitioner, or
19 physician assistant providing written reports to the Board on forms provided by the Board.

20 If Respondent is determined to be unable to practice safely as a registered nurse, the
21 licensed physician, nurse practitioner, or physician assistant making this determination shall immediately
22 notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's
23 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice
24 and shall not resume practice until notified by the Board. During this period of suspension, Respondent
25 shall not engage in any practice for which a license issued by the Board is required until the Board has
26 notified Respondent that a medical determination permits Respondent to resume practice. This period of
27 suspension will not apply to the reduction of this probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within the 45-day

1 requirement, Respondent shall immediately cease practice and shall not resume practice until notified by
2 the Board. This period of suspension will not apply to the reduction of this probationary time period. The
3 Board may waive or postpone this suspension only if significant, documented evidence of mitigation is
4 provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a
5 specific date for compliance must be provided. Only one such waiver or extension may be permitted

6 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

7 Respondent, at her expense, shall successfully complete during the probationary period or shall have
8 successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation
9 program of at least six months duration. As required, reports shall be submitted by the program on forms
10 provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation
11 program prior to commencement of probation, Respondent, within 45 days from the effective date of the
12 decision, shall be enrolled in a program. If a program is not successfully completed within the first nine
13 months of probation, the Board shall consider Respondent in violation of probation.

14 Based on Board recommendation, each week Respondent shall be required to attend at
15 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
16 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse
17 support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent
18 shall submit dated and signed documentation confirming such attendance to the Board during the entire
19 period of probation. Respondent shall continue with the recovery plan recommended by the
20 treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery
21 groups.

22 **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**
23 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or consumption by
24 any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except
25 when the same are ordered by a health care professional legally authorized to do so as part of documented
26 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
27 the prescribing health professional, a report identifying the medication, dosage, the date the medication was
28 prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect

1 on the recovery plan, if appropriate.

2 Respondent shall identify for the Board a single physician, nurse practitioner or physician
3 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor
4 any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The
5 coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly
6 basis Respondent's compliance with this condition. If any substances considered addictive have been
7 prescribed, the report shall identify a program for the time limited use of any such substances.

8 The Board may require the single coordinating physician, nurse practitioner, or physician
9 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine

10 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in
11 a random, biological fluid testing or a drug screening program which the Board approves. The length of
12 time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the
13 Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that
14 messages may be left at the telephone number when she is not available and ensure that reports are
15 submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be
16 reported immediately to the Board by the program and Respondent shall be considered in violation of
17 probation.

18 In addition, Respondent, at any time during the period of probation, shall fully cooperate
19 with the Board or any of its representatives, and shall, when requested, submit to such tests and samples
20 as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous
21 drugs, or other controlled substances.

22 If Respondent has a positive drug screen for any substance not legally authorized and not
23 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a
24 petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending
25 the final decision on the petition to revoke probation or the accusation. This period of suspension will not
26 apply to the reduction of this probationary time period.

27 If Respondent fails to participate in a random, biological fluid testing or drug screening
28 program within the specified time frame, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. After taking into account documented evidence of mitigation, if the
2 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from
3 practice pending the final decision on the petition to revoke probation or the accusation. This period of
4 suspension will not apply to the reduction of this probationary time period.

5 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective
6 date of this Decision, have a mental health examination including psychological testing as appropriate to
7 determine her capability to perform the duties of a registered nurse. The examination will be performed
8 by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The
9 examining mental health practitioner will submit a written report of that assessment and recommendations
10 to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or
11 counseling made as a result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse, the
13 licensed mental health care practitioner making this determination shall immediately notify the Board and
14 Respondent by telephone, and the Board shall request that the Attorney General's office prepare an
15 accusation or petition to revoke probation. Respondent shall immediately cease practice and may not
16 resume practice until notified by the Board. During this period of suspension, Respondent shall not engage
17 in any practice for which a license issued by the Board is required, until the Board has notified Respondent
18 that a mental health determination permits Respondent to resume practice. This period of suspension will
19 not apply to the reduction of this probationary time period.

20 If Respondent fails to have the above assessment submitted to the Board within the 45-day
21 requirement, Respondent shall immediately cease practice and shall not resume practice until notified by
22 the Board. This period of suspension will not apply to the reduction of this probationary time period. The
23 Board may waive or postpone this suspension only if significant, documented evidence of mitigation is
24 provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a
25 specific date for compliance must be provided. Only one such waiver or extension may be permitted.


26 **19. Therapy or Counseling Program.** Respondent, at her expense, shall participate
27 in an on-going counseling program until such time as the Board releases her from this requirement and only
28 upon the recommendation of the counselor. Written progress reports from the counselor will be required

1 at various intervals.

2
3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
5 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
6 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Board of Registered Nursing.

8 DATED: 10-1-04

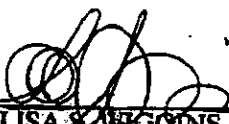
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10 
11 OBDULIA JULIE CORONA
12 Respondent

13
14 **ENDORSEMENT**

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted
16 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

17
18 DATED: October 1, 2004

19 BILL LOCKYER, Attorney General
20 of the State of California

21 
22 LISA S. WIGGINS
23 Deputy Attorney General

24 Attorneys for Complainant

Exhibit A
Accusation No. 2004-336

1 BILL LOCKYER, Attorney General
of the State of California
2 LISA S. WIGGINS, State Bar No. 168399
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5652
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2004-336

13 **OBDULIA JULIE CORONA**
14 **a.k.a. JULIE GARZA**
15 1818 Lido Way
16 San Jose, California 95116

ACCUSATION

17 Registered Nurse License No. 603402

18 Respondent.

19 Complainant alleges:

PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about August 5, 2002, the Board issued Registered Nurse License
24 Number 603402 to Obdulia Julie Corona, a.k.a. Julie Garza, ("Respondent"). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will expire
26 on August 31, 2004, unless renewed.

STATUTORY PROVISIONS

27 3. This Accusation is brought before the Board, under the authority of the
28

1 following laws.

2 4. Business and Professions Code section 118(b) provides that the suspension
3 expiration, surrender, and/or cancellation of a license shall not deprive the Board of jurisdiction to
4 proceed with a disciplinary action during the period within which the license may be renewed,
5 restored, reissued or reinstated.

6 5. Business and Professions Code section 2750 provides, in pertinent part, that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice
9 Act.

10 6. Business and Professions Code section 2764 provides, in pertinent part, that
11 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
12 proceeding against the licensee or to render a decision imposing discipline on the license.

13 7. Business and Professions Code section 2811(b) provides, in pertinent part,
14 that the Board may renew an expired license at any time within eight years after the expiration.

15 8. Business and Professions Code section 2761 states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny
17 an application for a certificate or license for any of the following:

18 ...

19 "(f) Conviction of a felony or of any offense substantially related to the
20 qualifications, functions, and duties of a registered nurse, in which event the record of the conviction
21 shall be conclusive evidence thereof.

22 9. Business and Professions Code section 2765 states:

23 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made
24 to a charge substantially related to the qualifications, functions and duties of a registered nurse is
25 deemed to be a conviction within the meaning of this article. The board may order the license or
26 certificate suspended or revoked, or may decline to issue a license or certificate, when the time for
27 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order
28 granting probation is made suspending the imposition of sentence, irrespective of a subsequent order

1 under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or
2 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
3 the accusation, information or indictment."

4 10. Business and Professions Code section 490 states:

5 "A board may suspend or revoke a license on the ground that the licensee has been
6 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
7 of the business or profession for which the license was issued. A conviction within the meaning of
8 this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
9 Any action which a board is permitted to take following the establishment of a conviction may be
10 taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on
11 appeal, or when an order granting probation is made suspending the imposition of sentence,
12 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

13 11. Business and Professions Code section 493 states:

14 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
15 the department pursuant to law to deny an application for a license or to suspend or revoke a license
16 or otherwise take disciplinary action against a person who holds a license, upon the ground that the
17 applicant or the licensee has been convicted of a crime substantially related to the qualifications,
18 functions, and duties of the licensee in question, the record of conviction of the crime shall be
19 conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may
20 inquire into the circumstances surrounding the commission of the crime in order to fix the degree
21 of discipline or to determine if the conviction is substantially related to the qualifications, functions,
22 and duties of the licensee in question.

23 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
24 'registration.'"

25 12. California Code of Regulations, title 16, section 1444, states in pertinent part:

26 "A conviction or act shall be considered to be substantially related to the qualifications,
27 functions or duties of a registered nurse if to a substantial degree it evidences the present or potential
28 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or

1 welfare. ..."

2 13. Business and Professions Code section 125.3 provides, in pertinent part, that
3 the Board may request the administrative law judge to direct a licensee found to have committed
4 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case.

6 **RELEVANT VEHICLE CODE PROVISION**

7 14. Vehicle Code section 20002(a) provides, in pertinent part, that "[t]he driver
8 of any vehicle involved in an accident resulting only in damage to any property, including vehicles,
9 shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise
10 jeopardize the safety of other motorists. Moving the vehicle in accordance with this subdivision
11 does not affect the question of fault. ..."

12 **CAUSE FOR DISCIPLINE**

13 (Conviction of a Substantially Related Crime)

14 15. Respondent is subject to disciplinary action under Business and Professions
15 Code sections 2762(f) and 490 in that Respondent was found guilty of a violation of Vehicle Code
16 section 20002 - leaving the scene of an automobile accident that resulted in property damage
17 (misdemeanor "hit and run"), which is substantially related to the qualifications, functions, or duties
18 of a registered nurse, as defined by California Code of Regulations, title 16, section 1444. The
19 circumstances are as follows:

20 a. On or about February 25, 2003, Respondent received misdemeanor
21 citation (Citation No. J2736941) by the San Jose Police Department that notified Respondent that
22 she was ordered to appear at the Santa Clara Superior Court - Criminal Division for a hearing on
23 charges Respondent violated Vehicle Code section 22100(a) (infraction - illegal right turn), Vehicle
24 Code 16028(c) (infraction - driving with out identification of insurance), and Vehicle Code section
25 20002(a) (misdemeanor hit and run).

26 b. On or about May 14, 2003, Respondent appeared in the Santa Clara
27 Superior Court (Case No. CC306402) and was found guilty of misdemeanor hit and run (Vehicle
28 Code section 20002(a)); the two infractions were dismissed. The Court sentenced to Respondent

1 to serve 5 days in jail (with credit for time served), 2 years of probation, and a fine.

2 **DISCIPLINE CONSIDERATIONS**

3 16. To determine the degree of discipline, if any, to be imposed on Respondent,
4 Complainant alleges that on or about 1978 and 1979, Respondent was convicted of two crimes:
5 driving under the influence and welfare fraud.

6 **PRAAYER**

7 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 603402, issued
10 to Obdulia Julie Corona, a.k.a. Julie Garza;

11 2. Ordering Obdulia Julie Corona, a.k.a. Julie Garza, to pay the Board of
12 Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant
13 to Business and Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 5/17/04

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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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lsw - 4/28/04